

GATX

NPL-U1-3-49-55
GATX CORPORATION 1c

FEDERAL EXPRESS

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LAW DEPARTMENT

August 12, 1988

8/15/88

Stephen Lingle, Director
Hazardous Site Evaluation Division
Attn: NPL Staff
Office of Emergency and Remedial Response (WH-548A)
U. S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

RE: National Priorities List for Uncontrolled Hazardous
Waste Sites - Proposed Update Seven

Gentlemen:

Reference is made to the Saegertown Industrial Area located in Saegertown, Pennsylvania, listed on Table Two - National Priorities List contained in the Federal Register of June 24, 1988. General American Transportation Corporation (GATX) is the former owner of property located within the current boundaries of the proposed site. The former GATX facility is shown on the drawing attached hereto.

GATX objects to the Agency's proposal to include the former GATX facility within the boundaries of the Saegertown Site. GATX has reviewed a copy of the HRS Scoring Package for the Site obtained pursuant to a Freedom of Information Act request. A review of the data in the Scoring Package confirms that there is no causal connection shown between any alleged contamination on the former GATX Facility and the observed release of contaminants at the Saegertown Industrial Area Site.

In particular, the record shows no connection between the former GATX Facility and the observed release of TCE at the Industrial Site. Indeed, there is nothing in the record indicative of any observed release of TCE at or from the former GATX facility. Similarly, the mere fact that lead was detected in an unfiltered water sample and soil samples taken from the former GATX facility is not a sufficient ground for including the former GATX facility within the Saegertown boundaries. The Scoring Package contains no data indicating any causal connection between the lead readings found at the former GATX facility and any contamination of the local drinking water supply.

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Thus, because there is no causal connection between the former GATX facility and contaminants allegedly found at the Saegertown Site property, the former GATX facility should be severed from the proposed Saegertown Site prior to listing on the NPL. If the Agency continues to believe that the former GATX facility warrants further CERCLA review, the Agency may separately propose the GATX facility for inclusion on the National Priorities List. Such an action would by no means be unprecedented: for example, the Enviro-Chem and Northside Sanitary Landfill Sites in Boone County, Indiana are listed separately on the NPL even though they are adjacent to one another and are owned by companies controlled by the same individuals. GATX believes that if its former Saegertown facility were investigated and scored separately, the data would show that the facility may not warrant listing on the NPL. Even if the former GATX facility were ultimately listed on the NPL separately, however, the data from the Scoring Package shows that any alleged contamination at that facility is unconnected to the alleged contamination that has justified inclusion of the Saegertown Industrial Area Site on the NPL, thus making it appropriate and practical to undertake any necessary cleanup at the former GATX facility independently.

GATX also objects to the proposed inclusion of the former GATX facility within the Saegertown site because the Agency's decision is based upon stale data. The last testing of the groundwater and drinking water within the proposed Site took place in 1985. During the period 1980-85, the level of TCE found in the Saegertown drinking water supply had steadily decreased. If the concentration of TCE has continued to decline since 1985, the Site may not warrant being listed on the NPL. Thus, making a decision on whether to list this Site in late 1988 based upon data that is at least three years old cannot be justified. Similarly, reliance upon an unfiltered water sample taken from the former GATX facility to measure a release of lead does not comply with acceptable scientific procedures, and the Agency therefore should not rely upon such suspect data in making its determination.

Finally, GATX objects to the proposed addition of the Saegertown Site because EPA has failed to meet its mandatory statutory obligations under 42 U.S.C. s 9605(C)(1) to promulgate amendments to the HRS by April 17, 1988. Accordingly, the Agency is without authority to propose or add new sites to the NPL at this time.

For all of the foregoing reasons, GATX objects to the proposed addition of the Saegertown Industrial Area Site to the NSL insofar as the proposed Site includes the former GATX facility within its defined boundaries. GATX requests that the former GATX facility be removed from the proposed Saegertown Site and treated independently for purposes of CERCLA review. For the reasons noted above, GATX

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(Red)

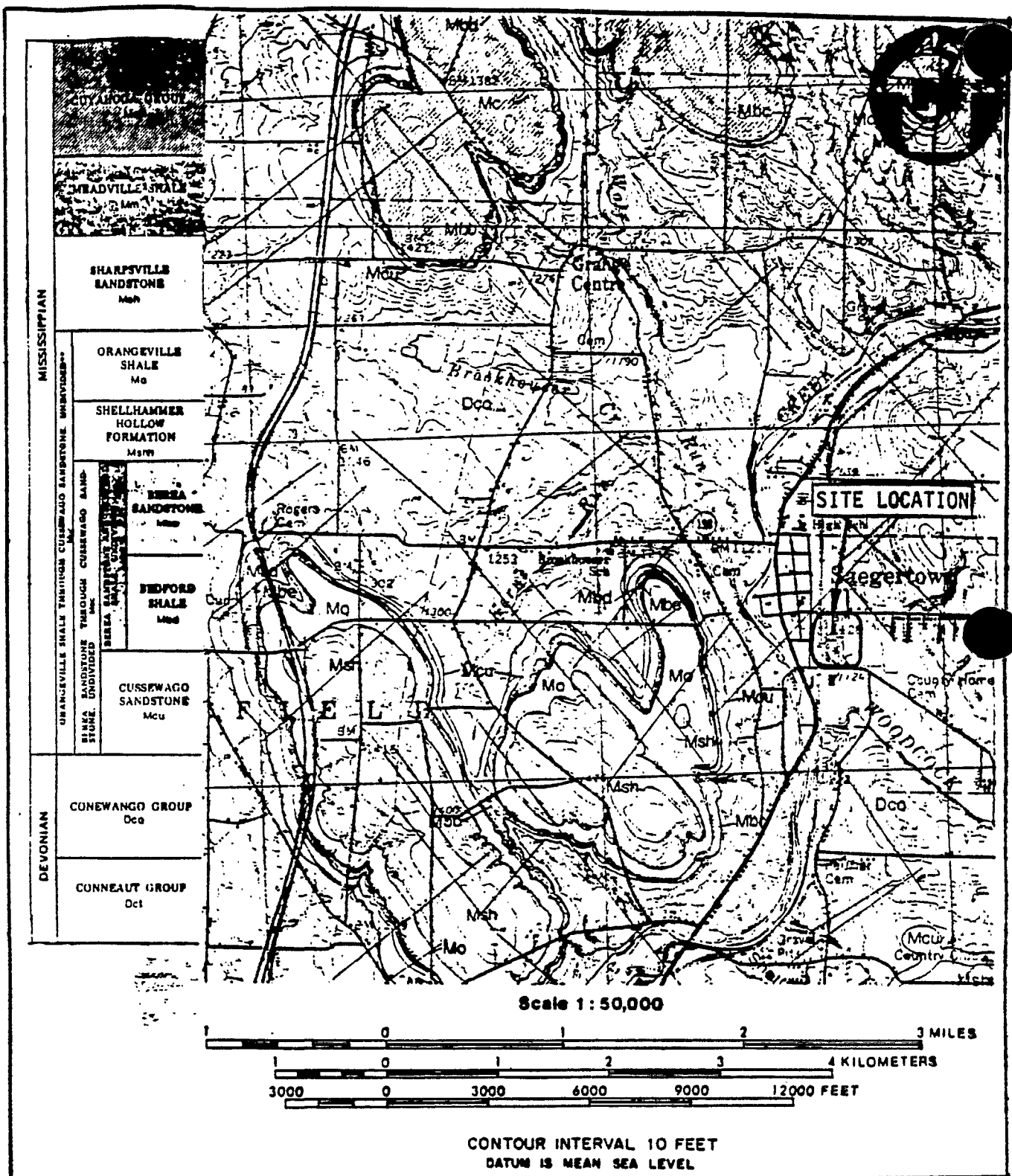
believes that, if so treated, the former GATX facility may not warrant placement on the National Priorities List.

Very truly yours,


John Levin

JL:djw

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Source: Schiner and Gallaher, 1979

Exhibit A

GEOLOGIC MAP

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